

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MK SALVAGE VENTURE LLC.,

Plaintiff,

V.

TETRA TECH EC, INC.,

Defendant.

Case No. C13-85RSL

**AMENDED ORDER REGARDING
INITIAL DISCLOSURES, JOINT
STATUS REPORT, AND EARLY
SETTLEMENT**

I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: June 6, 2013

Initial Disclosures Pursuant to FRCP 26(a)(1): June 13, 2013

Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f):

The deadlines above may be extended only by the Court. Any request for an extension be made by telephone to Teri Roberts, the judicial assistant, at (206) 370-8810. The who have already appeared in this matter are directed to meet and confer before filing the court to request an extension.

1 If this case involves claims which are exempt from the requirements of FRCP 26(a) and
2 26(f), please notify Teri Roberts, the judicial assistant, by telephone at (206) 370-8810.

3 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

4 All counsel and any pro se parties are directed to confer and provide the Court with a
5 combined Joint Status Report and Discovery Plan (the "Report") by June 4, 2013. This
6 conference shall be by direct and personal communication, whether that be a face-to-face
7 meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt
8 completion of the case. It must contain the following information by corresponding paragraph
9 numbers:

10 1. A statement of the nature and complexity of the case.

11 2. A proposed deadline for joining additional parties.

12 3. The parties have the right to consent to assignment of this case to a full time

13 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13 to
14 conduct all proceedings. The Western District of Washington assigns a wide range of cases to
15 Magistrate Judges. The Magistrate Judges of this district thus have significant experience in all
16 types of civil matters filed in our court. Additional information about our district's Magistrate
17 Judges can be found at <http://www.wawd.uscourts.gov/judges>. The parties should indicate
18 whether they agree that the Honorable James P. Donohue may conduct all proceedings including
19 trial and the entry of judgment. When responding to this question, the parties should only
20 respond "yes" or "no". Individual party responses should not be provided. A "yes" response
21 should be indicated only if all parties consent. Otherwise, a "no" response should be provided.

22 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the
23 parties' views and proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), which includes the
following topics:

- 1 (A) initial disclosures;
- 2 (B) subjects, timing, and potential phasing of discovery;
- 3 (C) electronically stored information;
- 4 (D) privilege issues;
- 5 (E) proposed limitations on discovery; and
- 6 (F) the need for any discovery related orders.

8 5. The parties' views, proposals, and agreements, by corresponding paragraph letters
9 (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following
10 topics:

- 11 (A) prompt case resolution;
- 12 (B) alternative dispute resolution;
- 13 (C) related cases;
- 14 (D) discovery management;
- 15 (E) anticipated discovery sought;
- 16 (F) phasing motions;
- 17 (G) preservation of discoverable information;
- 18 (H) privilege issues;
- 19 (I) Model Protocol for Discovery of ESI; and
- 20 (J) alternatives to Model Protocol.

21 6. The date by which discovery can be completed.

22 7. Whether the case should be bifurcated by trying the liability issues before the
23 damages issues, or bifurcated in any other way.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules
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16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake
of economy.

9. Whether the parties intend to utilize the Individualized Trial Program set forth in
Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

10. Any other suggestions for shortening or simplifying the case.

11. The date the case will be ready for trial. The Court expects that most civil cases
will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

12. Whether the trial will be jury or non-jury.

13. The number of trial days required.

14. The names, addresses, and telephone numbers of all trial counsel.

15. The dates on which trial counsel may have complications to be considered in
setting a trial date.

16. If, on the due date of the Report, all defendant(s) or respondent(s) have not been
served, counsel for the plaintiff shall advise the Court when service will be effected, why it was
not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference
and FRCP 26(a) initial disclosures.

17. Whether any party wishes a scheduling conference before the Court enters a
scheduling order in the case.

18. List the date(s) that each and every nongovernmental corporate party filed its
disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

19. Whether the parties consent to having hearings in this matter video recorded as
part of the Judiciary's Pilot Project on Cameras in the Courtroom, as set forth in Section VI
below.

If the parties are unable to agree on any part of the Report, they may answer in separate
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1 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference
2 with the Court at any time during the pendency of this action, they should notify Teri Roberts by
3 telephone at (206) 370-8810.

4 **III. PLAINTIFF'S RESPONSIBILITY**

5 This Order is issued at the outset of the case, and a copy is sent by the clerk to counsel for
6 plaintiff (or plaintiff, if pro se) and any defendants who have appeared. Plaintiff's counsel (or
7 plaintiff, if pro se) is directed to serve copies of this Order on all parties who appear after this
8 Order is filed. Such service shall be accomplished within ten (10) days after each appearance.
9 Plaintiff's counsel (or plaintiff, if pro se) will be responsible for starting the communications
10 needed to comply with this Order.

11 **IV. ALTERATIONS TO ELECTRONIC FILING 12 PROCEDURES AND COURTESY COPIES**

13 Information and procedures for electronic filing can be found on the Western District of
14 Washington's website at www.wawd.uscourts.gov. *Pro-Se* litigants may file either
15 electronically or in paper form. The following alterations to the Electronic Filing Procedures
16 apply in all cases pending before Judge Lasnik:

17 - Section III, Paragraph F – pursuant to Local Civil Rule 10(e)(8), when the aggregate
18 submittal to the court (*i.e.*, the motion, any declarations and exhibits, the proposed order, and the
19 certificate of service) exceeds **50** pages in length, a paper copy of the documents (with tabs or
20 other organizing aids as necessary) shall be delivered to the Clerk's Office for chambers by
21 10:30 am the morning after filing. The chambers copy must be clearly marked with the words
22 “Courtesy Copy of Electronic Filing for Chambers.”

23 - Section III, Paragraph M - unless the proposed order is stipulated, agreed, or otherwise
uncontested, the parties need not e-mail a copy of the order to the judge's e-mail address.

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2 Pursuant to Local Civil Rule 10(e)(10), all references in the parties' filings to exhibits
3 should be as specific as possible (*i.e.*, the reference should cite the specific page numbers,
4 paragraphs, line numbers, etc.). All exhibits must be marked to designate testimony or evidence
5 referred to in the parties' filings. Filings that do not comply with Local Civil Rule 10(e) may be
6 rejected and/or returned to the filing party, particularly if a party submits lengthy deposition
7 testimony without highlighting or other required markings.

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V. PRIVACY POLICY

9 Pursuant to Federal Rule of Civil Procedure 5.2 and Local Civil Rule 5.2, parties must
10 redact the following information from documents and exhibits before they are filed with the
11 court:

12 * Dates of Birth - redact to the year of birth
13 * Names of Minor Children - redact to the initials
14 * Social Security Numbers and Taxpayer Identification Numbers - redact in their entirety
15 * Financial Accounting Information - redact to the last four digits
16 * Passport Numbers and Driver License Numbers - redact in their entirety

17 All documents filed in the above-captioned matter must comply with Federal Rule of
18 Civil Procedure 5.2 and Local Civil Rule 5.2.

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VI. PILOT PROJECT: CAMERAS IN THE COURTROOM

21 The Western District of Washington is participating in the Judiciary's Pilot Project on
22 Cameras in the Courtroom. This project is a three-year study to evaluate the effects of cameras
23 in the courtrooms. Additional information about the Pilot Program can be found at the U.S.
Courts Cameras in Courts Website, www.uscourts.gov/Multimedia/Cameras.aspx. This case is
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1 eligible to have proceedings video recorded and made available to the public via the U.S. Court's
2 and Western District of Washington's web sites. Even if the parties consent in their joint status
3 report, the Court will not automatically record all proceedings in the case. Instead, parties must
4 provide consent to the recording of each proceeding in a case.

5 If the parties indicate that they consent in their joint status report, notice will be sent prior
6 to each scheduled proceeding seeking consent of all parties to have the scheduled proceeding
7 recorded. If all parties consent, and the judge approves, the hearing will be recorded and made
8 available to the public as part of the pilot project. More information about this pilot project can
9 be found on the Court's web site at www.wawd.uscourts.gov/courtservices/camerasindex.htm.

10 **VII. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

11 If settlement is achieved, counsel shall immediately notify Kerry Simonds, courtroom
12 deputy, at (206) 370-8519.

13 The parties are responsible for complying with the terms of this Order. The Court may
14 impose sanctions on any party who fails to comply fully with this Order.

16 DATED this 23rd day of April, 2013.

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19 Robert S. Lasnik
20 United States District Judge
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